

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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UNITED STATES OF AMERICA,

:

-v-

:

S2 05 Cr. 1157 (LAK)

RAHEEN DAVIS,

:

**DECLARATION OF
ATTORNEY IN SUPPORT
OF MOTION**

:

Defendant.

:

-----X

**DECLARATION OF MITCHELL DINNERSTEIN
IN SUPPORT OF MOTION**

MITCHELL DINNERSTEIN, hereby affirms under penalty of perjury:

1. I am a member of the bar of the State of New York and of this Court and I am the attorney of record for the defendant herein.

2. I am fully familiar with the facts and circumstances of this case.

3. I submit this declaration and attached memorandum of law in support of the Notice of Motion herein.

4. An indictment was filed against Mr. Davis on November 2, 2005 charging him with on count of Title 18 U.S.C. § 1959(Count I), one count of 18 U.S.C. § 924(j) (Count II) and one count of 924 (c) (Count III). Superseding indictments were subsequently filed adding different defendants on February 2, 2007 and February 1, 2008.

5. Mr. Davis was convicted on Count I and Count III on May 14, 2008. A hung jury was declared on Count II on May 15, 2008.

6. Pursuant to 28 U.S.C. § 1746, I affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: New York, New York
June 3, 2008

Mitchell Dinnerstein

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